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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,304	09/29/2000	Neelakantan Sundaresan	AM9-99-0146	2605

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 09/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/672,304

Applicant(s)

SUNDARESAN, NEELAKANTAN

Examiner

Haythim J. Alaubaidi

Art Unit

2171

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-23.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s): _____.
10. ☐ Other: _____

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TECHNOLOGY CENTER 2100

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's amendment filed on the 22nd of August, 2003 will be entered, the Examiner agrees that no new matter were added. However the Examiner disagrees with the Applicant arguments listed in the above-mentioned amendment.

Applicant argues that Najork reference does not teach, "setting an access time for a second file based on data from a first file". However the Applicant agrees on (Page 13, last paragraph) of the August 22, 2003 amendment, that Najork discloses setting an access time base on the download time of a previous document. The Examiner would like to bring the Applicant's attention to the fact that Najork's "download time" is actually data (time is stored in the computer as data), and since this data is associated with the document previously downloaded (a document in the Najork reference is being interpreted to be the same as a "file" in the instant Application), then Najork is teaching this limitation or in other words, the limitation in general and the word "data" specifically, is just too broad and would not bring the claim to the level of patentability.

On page 15 of the amendment, the Applicant argues that Shaffer reference does not teach the feature of "based on data from a first file". The Examiner however disagree with that, according to the Summary of the instant application (page No. 4). The Examiner is interpreting this scheduling of an update (like when the user set a push service (i.e. web site) to regularly update his/her favorite stock (Shaffer, Col 1, Lines 18-25), this is similar to what was mentioned by the Applicant in the Summary section of the instant Application (Page No. 4). The Examiner is interpreting the "based on the data downloaded" somewhat similar to the other end of the Shaffer's system or the push service (i.e. web site) end when it receives the user's settings (the scheduling) of when to next time download and updated the user with a new version of the stock price.

The Examiner admits that no prior art was found for a search engine that crawls the internet to download web sites and at the same time download the time (data) stored in a special location (folder) in the computer that is hosting this web site, and that this time element or indicator (data) is regarding the next time this web site will be update. The Examiner is not suggesting to the Applicant to limit and narrow the independent claims, but at the same time, the current claims are just too broad and can read on many known features of most search engines. .